

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH L NASH,

Plaintiff,

v.

GARRY E LUCAS, RICHARD J
BISHOP, ANDERSON, SCHMIERER,
JONES, HUFF,

Defendants.

CASE NO. C14-5997 BHS-KLS

ORDER GRANTING PLAINTIFF'S
MOTION TO FILE AN AMENDED
COMPLAINT

This matter has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4, and Fed. R. Civ. P. 72. The case is before the undersigned for consideration of Plaintiff's motion to file an amended complaint. Dkt. 6 and 7.

At screening, the undersigned determined that Plaintiff's allegations that the Clarke County Jail would not allow him to call his bank using a non collect telephone call does not state a claim for denial of access to courts. The undersigned entered an Order to Show Cause why this action should not be dismissed. Dkt. 5. Plaintiff responded to the Order to Show Cause and in that response he asks for leave to amend his complaint. Dkt. 6, p. 2-3. Plaintiff also filed a separate motion to amend his complaint. Dkt. 7.

Pursuant to Fed. R. Civ. P.15(a), “[a] party may amend the party’s pleading once as a matter of course within 21 days after serving it, or 21 days after service of a responsive pleading, or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The Court should freely give leave when justice so requires. Fed. R. Civ. P. 15(a)(1)(A)(B) and (2). After a responsive pleading has been filed, “leave to amend should be granted unless amendment would cause prejudice to the opposing party, is sought in bad faith, is futile, or creates undue delay.” *Martinez v. Newport Beach City*, 125 F.3d 777, 786 (9th Cir. 1997).

Plaintiff did not need leave of Court to file an amended complaint in this case because service of the complaint has not been ordered. Accordingly Plaintiff may file an amended complaint on or before **March 13, 2015**.

The Clerk’s Office is directed to note the **March 13, 2015** due date and remove Dkt. 7 from the Court’s calendar.

DATED this 12th day of February, 2015.



Karen L. Strombom
United States Magistrate Judge